

PATENT

App. Ser. No.: 10/074,816

Atty. Dkt. No. ROC920010293US1

PS Ref. No.: IBMK10293

REMARKS

This is intended as a full and complete response to the Final Office Action dated August 26, 2005, having a shortened statutory period for response set to expire on October 26, 2005. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-29 are pending in the application. Claims 1-6, 8-10, 14 and 17-19 remain pending following entry of this response. Claims 5 and 22 have been amended. Claims 7, 11-13, 15-16 and 20-29 have been cancelled. Applicants submit that the amendments do not introduce new matter.

Claim Objections

Claim 22 is objected to because of formalities. Claim 22 has been cancelled. Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 102

Claims 1-7, 10-21 and 24-29 are rejected under 35 U.S.C. 102(e) as being anticipated by *Ip* (US Pub. No. 2003/0046339 A1).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In this case, *Ip* does not disclose "each and every element as set forth in the claim". For example, *Ip* does not disclose a microcontroller contained in one device connected to a rack and configured to retrieve information from device memories

Page 5

404114_1

PATENT

App. Ser. No.: 10/074,816

Atty. Dkt. No. ROC920010293US1

PS Ref. No.: IBMK10293

connected to the microcontroller via a bus and contained in other devices connected to the rack, as recited in independent claims 1 and 14.

Ip discloses a data collection unit 30 that may receive information from various servers 15 in a rack. However, there is no teaching that each of the servers 15 contains a device memory or that the data collection unit 30 has a microcontroller connected to the device memories in the servers 15 via a bus, as claimed.

Therefore, independent claims 1 and 14, as well as those claims that depend therefrom, are believed to be allowable, and allowance of the claims is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 8, 9, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Ip* in view of *Little et al.* (US Pub. No. 2001/0011353 A1, hereinafter *Little*).

Claims 22 and 23 have been cancelled. Claims 8 and 9 depend from claim 1 which Applicants believe to be allowable for reasons discussed above. Accordingly, claims 8 and 9 are believed to be allowable, and allowance of the claims is respectfully requested.

PATENT

App. Ser. No.: 10/074,816

Atty. Dkt. No. ROC920010293US1

PS Ref. No.: IBMK10293

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, or the undersigned attorney to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted,



Randol W. Read
Registration No. 43,876
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants